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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,087	02/17/2004	Michael A. Sheha	513162000600	6332
25224	7590	09/12/2005		
MORRISON & FOERSTER, LLP 555 WEST FIFTH STREET SUITE 3500 LOS ANGELES, CA 90013-1024			EXAMINER BLOUNT, ERIC	
			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,087

Applicant(s)

SHEHA ET AL

Examiner

Eric M. Blount

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-14 and 21 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 11 and 15-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/13/04 & 1/7/05 & 2/15/05

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. **Claims 6 and 21** are objected to because of the following informalities: The use of the words "a steps of" in line 2 of each claim. Appropriate correction is required.
2. **Claim 11** is objected to because of the following informalities: Applicant repeats the word "readable" in line 1. Appropriate correction is required

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "said mobile communication device" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1-7, 9, 11-14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore [U.S. Patent No. 6,377,210 B1].

As for **claim 1**, Moore discloses a machine readable medium having a set of executable instructions for causing a processor to perform a method of displaying position information of a mobile computing device, the processor being operatively coupled to the mobile computing device and the mobile computing device being operatively coupled to at least one machine-readable memory, a display, a GPS device, a communication interface, and a timing element (column 1, lines 5-10 and 28-51). The method comprises the steps of:

- a. Periodically receiving position information of the mobile computing device using the GPS device, the position information describing a position of the mobile computing device (column 1, lines 45-51 and column 2, lines 49-55).
- b. Associating each periodically received position information with a time data, said time data indicating a time at which each position information was received (column 3, lines 34-37). Moore discloses that position information is stored at time intervals. It is obvious from this teaching that each position reading is associated with a specific time.
- c. Storing in the machine-readable memory the periodically received position information (column 3, lines 34-37).
- d. Displaying a graphical map (column 3, lines 9-14 and Figure 15).
- e. Displaying on the graphical map a graphical position icon indicating a position described by one of the periodically received position information (Figure 10).

- f. Displaying the data associated with the position information describing the position indicated by the graphical position icon (column 3, lines 9-14).

Moore does not specifically disclose that time data associated with position information is displayed. However, Moore teaches that position information is available for a user to view at a terminal. The position information is used for vehicle relevant calculations such as vehicle travel path and speed (column 3, lines 34-37). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that time values would be needed to make these calculations. Since these values are present, it would have been obvious to one of ordinary skill that they could have or maybe displayed with the position information taught by Moore. Moore shows in Figures 14-17 that several types of information may be displayed. Displaying associated time data with a vehicle position icon is viewed as a matter of design choice.

Regarding **claim 2**, Moore discloses that the processor may be operatively coupled to the machine-readable medium via a wireless communication network (column 7, lines 45-50)

As for **claim 3**, Moore does not specifically disclose that the mobile computing device is a cellular telephone. However, in column 6, lines 30-34, Moore discloses that the mobile computing device may be any mobile object. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that a cellular phone is a mobile object that contains position tracking hardware and software.

As for **claim 4**, Moore discloses the steps of retrieving a point-of-interest location, the point-of-interest location being located within a predetermined proximity of

the position indicated by the graphical position icon. The point-of-interest icon is displayed on the graphical map (Figures 17-18 and column 12, lines 10-19).

As for **claims 5 and 6**, Moore does not specifically disclose that a distance is calculated between the point-of-interest location and the position indicated by the graphical position icon. However, Moore discloses that several types of vehicle data may be determined and displayed using software (column 8, lines 25-38). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that distance could have been calculated and displayed using the retrieved vehicle position information. Further, in Figures 17 and 18, Moore shows that a path may be calculated from a vehicle location to a point-of-interest, the line that is drawn on the map is indicative of the distance between the two locations.

Regarding **claim 7**, Moore discloses that the memory may record each communication activity of the communication interface and associating time data with each recorded communication activity (column 5, lines 45-57).

As for **claims 9, 11, and 12**, it has already been shown that the communication activity (transmission of vehicle information) and position information can be displayed.

Regarding **claim 13**, Moore shows the steps of displaying at least one of said recorded communication activity (speed), displaying the time data associated to said recorded communication activity, and displaying the position information associated with the recorded communication activity (Figure 15).

As for **claim 14**, Moore discloses the step of receiving a time range indicating a period of time with a starting and ending time (column 2, lines 51-55 and column 8, lines

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30-39). A graphical map can display a plurality of position history icons each of the position history icons indicates a position described by one of the periodically received position information that were received during the period of time specified by the time range input signal (column 11, lines 49-53).

As for **claim 21**, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to provide a second machine-readable memory. The concept and practice of providing a back-up copy of information was well known in the art. Backing up information would have been an obvious modification to the invention of Moore because it would allow the system to operate, at least partially, be remotely and instantaneously activated or deactivated by a user.

Allowable Subject Matter

7. **Claims 8, 10, and 15-20** are objected to as being dependent upon a rejected base claim, but it appears that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is 703-305-5042. The examiner can normally be reached on 8:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 703-305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-746-9789.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Eric M. Blount
Examiner
Art Unit 2636



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
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